

T.L.B.R. 3015-1 Chapter 13 Plan Confirmation (ONLY applies to cases filed after October 16, 2005 and supercedes L.B.R. 315 and 320 and GPO 2004-3 as they apply to Chapter 13 confirmation.)

(a) Filing of the Plan.

- (1) The plan should be filed with the petition. It must be filed no later than fifteen days after the Chapter 13 petition is filed. The form of plan shall conform to T.L.B.F. 3015-1.
- (2) The failure to timely file the plan shall result in the dismissal of the case pursuant to L.B.R. 505 and the United States Trustee's Standing Motion to Dismiss Deficient Case, without further notice, certification or hearing.

(b) Notice of the Plan and Confirmation Hearing.

- (1) When a Chapter 13 plan is filed with the petition, the Court will mail a copy of the plan along with the Notice of Meeting of Creditors which will contain the confirmation hearing date and the deadline to file objections to the plan. The Court will mail the plan by means of first class mail to the Chapter 13 trustee, the United States Trustee and to the addresses for parties as listed on the Creditors' Matrix filed in the case at the time of the mailing, subject to the redirection of mail by the Bankruptcy Noticing Center under 11 U.S.C. § 342. **The above mailing by the Court may not satisfy the service requirements of Fed.R.Bankr.P. 9014 and 7004; if not, the debtor is responsible for satisfying any applicable service requirements under those rules.**
- (2) If the plan is not filed with the petition, the debtor must forthwith serve a copy of the plan, within the time prescribed by T.L.B.R. 3015-1(a)(1), along with a legally sufficient notice setting forth the date, time and location of the confirmation hearing, the deadline to file objections to the plan, in substantial conformity with the language provided in the Notice of Meeting of Creditors section under "Filing of Plan, Hearing on Confirmation of Plan, Other Confirmation/Objection Deadlines".
- (3) No later than three business days following the debtor's mailing or transmission of any plan or amended plan, the debtor shall file a certificate of service setting forth the name of the document mailed and all parties and addresses to whom notice was provided.
- (4) The debtor is responsible for providing legally sufficient service and notice of the plan, the confirmation hearing, and objection date to any additional creditors added at any time during the case.

(c) Objections to Confirmation.

- (1) No later than three (3) days prior to the date first set for the meeting of creditors, objections to the plan shall be filed with the Court and served on the Standing

Chapter 13 trustee, the debtor and debtor's counsel and shall clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. **General objections will not be considered by the Court** and the failure to plead with specificity may result in the Court striking the objection.

- (I) A creditor's objection as to the claim amount owed as provided in the plan must be accompanied by an attached payment history and categorical calculation (*e.g.*, fees, costs, principal, interest) of the amount the creditor asserts is owed.
 - (ii) Objections as to the debtor's expenses or Current Monthly Income calculations must specify each expense item or calculation to which an objection is raised and the basis for the objection.
- (2) In the absence of objections to the applicable plan, after compliance with the verification requirements and upon submission of the Verification of Confirmable Plan, the Court may confirm the plan without requiring any parties to appear at a hearing on confirmation.

(d) Obligation to Meet and Confer.

- (1) No later than 10 days following the first date set for the meeting of creditors, the debtor and all parties objecting to confirmation shall meet and confer in an effort to resolve or narrow the issues in dispute.
- (2) The failure to comply with the obligation to meet and confer may result in the Court striking the objection or denying confirmation, as applicable.
- (3) No later than 14 days following the first date set for the meeting of creditors, the debtor shall file and serve on any objecting parties a certificate setting forth the following information:
 - (I) The debtor has filed an amended plan that satisfies all of the objections filed by _____ (names of objecting parties); and/or
 - (ii) The debtor filed an amended plan to address some of the objections filed by (names of objecting parties); and requests judicial determination of the following objections filed by (names of objecting parties):

 - (iii) The debtor has not filed an amended plan to satisfy any objections filed and requests judicial determination of all of the objections filed by (names of objecting parties).

(e) **Amendments to the Plan Made Prior to Originally Scheduled Confirmation Hearing.**

- (1) Until the initial confirmation hearing is held, any amendments to the Plan shall be filed no sooner than the day following the first scheduled meeting of creditors, but no later than thirteen days following that meeting.
- (2) Amended plans filed prior to the initial hearing on confirmation shall be served on the Chapter 13 trustee, any parties who objected to the most recent prior plan and parties who entered their appearance in the case. (If the plan is amended although no objections were raised, it must be served on the Chapter 13 trustee, any parties adversely affected by the amended plan and parties who entered their appearance in the case.)
- (3) At the initial hearing on confirmation, the Court will direct what further notice, if any, is required for the amendment and provide instructions regarding the notice and setting of a further hearing.
- (4) Unless otherwise ordered, previously filed objections to confirmation are deemed withdrawn and new objections must be timely filed addressing the amended plan *if* it is sent on notice with an opportunity to object.
- (5) The Court may confirm the amended plan at any hearing on confirmation if there are no continuing objections, no further notice of the plan is required and the debtor provides the Verification of Confirmable Plan.

(f) **Verification of Confirmable Plan, Compliance with 11 U.S.C. § 1325 and Submission of Statement of Consent Calendar Qualification.**

- (1) **Verification of Confirmable Plan.** If no objections to the plan or amended plan, as applicable, have been filed or remain pending, the debtor shall file a verification of the following:
 - (i) the PACER docket numbers for the applicable plan now pending confirmation and certificates of service filed related to the plan.
 - (ii) there are no outstanding objections to the plan to be confirmed, and the plan may be confirmed on the consent calendar without further notice or hearing.
 - (iii) the debtor has paid all amounts required to be paid under domestic support obligations that became payable after the date of the filing of the petition or the debtor has no domestic support obligations;
 - (iv) the debtor has filed all tax returns required under 11 U.S.C. § 1308;
 - (v) all statements in the plan to be confirmed are true and correct and the plan contains sufficient facts to allow confirmation;

- (vi) the debtor (or the Court, as applicable), has provided appropriate notice of the plan and any amendments serving them as required under T.L.B.R. 3015-1, Fed.R.Bankr.P. 2002(b), 9014 and 7004, and 11 U.S.C. § 342(e) and (f); and
- (2) The Verification of Confirmable Plan shall be submitted no earlier than ten days following the first date set for the meeting of creditors. Attached to the Verification of Confirmable Plan shall be a proposed order for confirmation in substantial conformity with T.L.B.F. 3015-2.

(g) Application of Fed.R.Bankr.P. 9006.

- (1) The time constraints set forth in 11 U.S.C. § 1324 compel the Court to shorten the notice period for objections to confirmation in certain instances. Parties are required to file objections within the time frames set forth in the Notice of Meeting of Creditors, unless ordered otherwise.
- (2) The time constraints imposed by Section 1324 compel the Court to disfavor any parties' request for extensions or further shortening of time periods established by this Rule, the Interim Rules, Fed.R.Bankr.P. and Title 11.